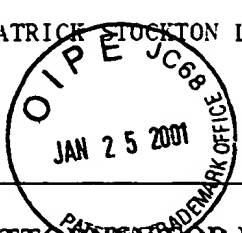


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Attorney's Docket Number: FOV0001-US

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# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD AND SYSTEM FOR MONITORING ONLINE COMPUTER NETWORK BEHAVIOR AND CREATING ONLINE BEHAVIOR PROFILES, the specification of which

☐ is attached hereto.

☒ was filed on June 30, 2000 as

☒ Application Serial No. 09/608,135

☐ and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<b>RECEIVED</b> <b>FEB - 6 2001</b> <b>Technology Center 2100</b>	Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)		Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States utility application(s) listed below and/or under Title 35, United States Code, §119 of any United States provisional application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States utility application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**English Language Declaration**

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.



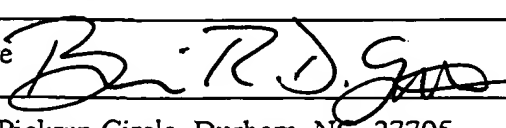
George T. Marcou, Registration No. 33,014; John M. Harrington, Registration No. 25,592; A. Jose Cortina, Registration No. 29,733; Charles W. Calkins, Registration No. 31,814; Richard Peterson, Registration No. 35,320; Charles T. Simmons, Registration No. 35,359; Stephen B. Parker, Registration No. 36,631; Yoncha L. Kundupoglu, Registration No. 41,130; Benjamin Driscoll, Registration No. 41,571; James J. Bindseil, Reg. No. 42,326; John Ball, Registration No. 44,433; Dawn-Marie Bey, Registration No. 44,442; Tiep Nguyen, Registration No. 44,465; Michael J. Dimino, Registration No. 44,657 and Gregory S. Moldafsky, Registration No. 46,514.

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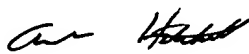
Full name of first inventor: Jan-Dieter Spalink	
First Inventor's Signature 	Date 07/17/01
Residence Address: 3503 Stonegate Drive, Durham, NC 27705	
Citizenship: Germany	
Post Office Address: 3503 Stonegate Drive, Durham, NC 27705	
	
Full name of second inventor: Brian R. D. Gullette	
Second Inventor's Signature 	Date 1.17.02
Residence Address: 3805 Pickran Circle, Durham, NC 27705	
Citizenship: USA	
Post Office Address: 3805 Pickran Circle, Durham, NC 27705	

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Full name of third inventor: Andrew Hatchell

Third Inventor's Signature



Date

1/17/01

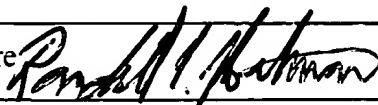
Residence Address: 711 Woodway Bluff Circle, Cary, NC 27513

Citizenship: USA

Post Office Address: 711 Woodway Bluff Circle, Cary, NC 27513

Full name of fourth inventor: Randall C. Nortman

Fourth Inventor's Signature



Date

1/17/01

Residence Address: 102 Northington Place, Apt. B, Cary, NC 27513

Citizenship: USA

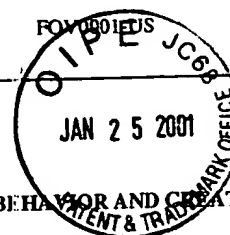
Post Office Address: 102 Northington Place, Apt. B, Cary, NC 27513

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# **VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS** **(37 CFR 1.9(F) & 1.27(C)) -- A SMALL BUSINESS CONCERN**

Docket Number (Optional)

FOVEON

Applicant or Patentee: Jan-Dieter Spalink, et al.Serial or Patent No.: 09/608,135Filed or Issued: June 30, 2000Title: METHOD AND SYSTEM FOR MONITORING ONLINE COMPUTER NETWORK BEHAVIOR AND CREATING ONLINE BEHAVIOR PROFILES

I hereby declare that I am

☐ the owner of the small business concern identified below:☒ an official of the small business concern empowered to act on behalf of the concern identified below:NAME OF SMALL BUSINESS CONCERN Foveon CorporationADDRESS OF SMALL BUSINESS CONCERN: 4021 Stirrup Creek Drive, Suite 120, Durham, NC 27703

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying a reduced fee to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in :

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

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If the rights held by the above identified small business concern are not exclusive, each individual, concern, organization having rights in the invention must file separate verified statements averring to their status as small entities. If the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.  
☐ Each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further than these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Tracy ScottTITLE OF PERSON IF OTHER THAN OWNER CEOADDRESS OF PERSON SIGNING 4021 Stirrup Creek Drive, Suite 120, Durham, NC 27703SIGNATURE [Signature]DATE 1/18/01